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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

1	DELPHINE ALLEN, et al.,)	No. 00-cv-04599 WHO
2	Plaintiffs,)	
3	v.)	
4	CITY OF OAKLAND, et al.,)	DEFENDANT CITY OF OAKLAND'S RESPONSE TO MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED IN SUPPORT OF RELATING CASE NO. 21-cv-02881 TSH TO CASE NO. 20-cv-03866 JCS
5	Defendants.)	
6	COLES, et al.,)	No. 03-cv-02961 TEH
7	Plaintiffs,)	
8	v.)	
9	CITY OF OAKLAND, et al.,)	
10	Defendants.)	
11	ILWU Local 10, et al.,)	No. 03-cv-02962 TEH
12	Plaintiffs,)	
13	v.)	
14	CITY OF OAKLAND, et al.,)	
15	Defendants.)	
16	SPALDING, et al.,)	No. 11-cv-02867 TEH
17	Plaintiffs,)	
18)	

**DEF. CITY OF OAKLAND'S RESPONSE
TO PL. MOT. TO CONSIDER REL. CASES**

NO. 00-cv-04599 WHO

1	v.)	
2	CITY OF OAKLAND, et al.,)	
3	Defendants.)	
4	<hr/>)	No. 11-cv-05498 JST
5	CAMPBELL, et al.)	
6	Plaintiffs,)	
7	v.)	
8	CITY OF OAKLAND, et al.,)	
9	Defendants.)	
10	<hr/>)	No. 20-cv-03866 JCS
11	ANTI POLICE-TERROR PROJECT, et al.,)	
12	Plaintiffs,)	
13	v.)	
14	CITY OF OAKLAND, et al.,)	
15	Defendants.)	
16	<hr/>)	No. 21-cv-02881 TSH
17	GAFFETT, et al.,)	
18	Plaintiffs,)	
19	v.)	
20	CITY OF OAKLAND, et al.,)	
21	Defendants.)	
22	<hr/>		

21 Plaintiffs in *Gaffett v. City of Oakland, et al.*, C-21-02881 TSH ask the Court
 22 to consider pursuant to Civil Local Rule 3-12 whether *Gaffett* is related to the six
 23 other above-captioned cases. For the reasons set forth herein, the City supports
 24 relating *Gaffett* to *Anti Police-Terror Project, et al., v. City of Oakland, et al.*, C-20-
 25 03866 JCS. The City opposes relating *Gaffett* to the remaining five captioned cases.

26 Cases are related when (1) the actions concern substantially the same
 27 parties, property, transaction or event; and (2) it appears likely that there will be an
 28 unduly burdensome duplication of labor and expense or conflicting results if the

1 cases are conducted before different Judges. L.R. 3-12. *Gaffett* and *Anti Police-*
 2 *Terror Project (APTP)* meet this definition of related cases.

3 *Gaffett* and *APTP* are both cases brought by protestors challenging the
 4 Oakland Police Department's (OPD) handling of protests and demonstrations in
 5 Oakland between May 29, 2020, and June 1, 2020. *Gaffett* also alleges claims
 6 against the Alameda County Sheriff's Office (ACSO) for conduct in Oakland during
 7 the same time period, while *APTP* alleges that OPD "call[ed] on its mutual aid
 8 network of police municipalities to further carry out its constitutionally improper
 9 tactics." C-20-03866 JCS, Dkt. 71, Am. Compl., ¶8. ACSO provided mutual aid to
 10 OPD on each date between May 29 and June 1, 2020. C-20-03866 JCS, Dkt. 36-1,
 11 Allison Decl., ¶11. Thus, OPD and ACSO conduct over a single four-day period in
 12 the same location during the same events is at the heart of both cases.

13 In addition, both *Gaffett* and *APTP* purport to be class actions and seek class
 14 certification. *Gaffett* defines its putative class as "as all persons who have in the past
 15 participated, presently are participating, or may in the future participate in, or be
 16 present at, demonstrations and crowd events within the City of Oakland in the
 17 exercise of their rights of free speech, assembly, association, petition, and of the
 18 press." C-21-02881 TSH, Dkt. 6, Compl., ¶89. *APTP* seeks to represent "[a]ll
 19 demonstrators who participated and/or intended to participate in the protests
 20 beginning on May 29, 2020 in Oakland." C-20-03866 JCS, Dkt. 71, Am. Compl., ¶
 21 128. Thus, *APTP* putative class members would necessarily also be *Gaffett* class
 22 members.

23 Finally, plaintiffs in both *Gaffett* and *APTP* seek the same type of injunctive
 24 relief prohibiting OPD and ACSO from using certain force or tools in responding to
 25 crowds in Oakland. *Gaffett* seeks "injunctive relief in the form of an order
 26 prohibiting OPD and ACSO from using chemical weapons, explosive grenades, and
 27 impact munitions in crowds." C-21-02881 TSH, Dkt. 6, Compl., ¶14. The Court in
 28

1 APTP has already issued a preliminary injunction limiting OPD's uses of force and
2 weapons, and imposing special rules for OPD's requests for and employment of
3 mutual aid resources for protests and demonstrations. C-20-03866 JCS, Dkt. 82,
4 Am. Preliminary Injunction (Oct. 28, 2020).

The June 18, 2020 Temporary Restraining Order (Dkt. 34), July 29, 2020 Preliminary Injunction (Dkt. 52), and October 28, 2020 Amended Preliminary Injunction (Dkt. 82) all issued in *APTP* in the last year reflect a substantial amount of work by the Honorable Joseph C. Spero, issuing each order following significant litigation. Having a different judge now embark on what would be substantially the same inquiry and possibly issue a parallel or overlapping injunction would be an unduly burdensome duplication of labor and could result in conflicting orders and confusion. It makes the most sense to have a single injunction or set of injunctions emanate from a single judge to avoid unduly burdening judicial resources and to ensure consistency and clarity in injunctive orders.

15 Similarly, relating *Gaffett* to the other above-captioned cases filed prior to
16 *APTP*—all of which are assigned to different Judges than the Judge in *APTP*—
17 would also likely result in an unduly burdensome duplication of labor or conflicting
18 results.

19 Accordingly, for the reasons set forth herein, the City of Oakland agrees that
20 *Gaffett* and *APTP* are related pursuant to L.R. 3-12, and opposes relating *Gaffett*
21 with the other above-captioned cases.

Respectfully submitted,

23 | Dated: May 1, 2021

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By: _____ /s/ **BRIGID MARTIN**
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